



March 13, 2013

**VIA ECF**

Hon. Susan D. Wigenton, U.S.D.J.  
U.S. District Court for the District of New Jersey  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

**Re: *Novartis Pharmaceuticals Corporation, v. Actavis LLC, et al.*,  
Civil Action No. 2:13-cv-01028-SDW-MCA**

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Dear Judge Wigenton:

We along with WilmerHale represent Plaintiff Novartis Pharmaceuticals Corporation. We thought we should give the Court this status report.

This week, pursuant to Fed. R. Civ. P. 15(a)(1), Novartis will file an Amended Complaint, which will drop certain defendants, including Bedford Laboratories, Pharmaforce, Inc., and Teva Parenteral Medicines, Inc. We are currently evaluating Novartis's rights against another Paragraph IV filer, who may be included as an additional defendant. In addition, the complaint will state additional infringement counts against defendants who, on information and belief, have launched generic versions of Zometa.

In addition, Novartis has determined to withdraw its motion for a preliminary injunction and the Amended Complaint will also reflect this. Novartis's Amended Complaint will render moot the pending motions to dismiss, which are directed at the original complaint. See *Merritt v. Fogel*, 349 F. App'x 742, 745 (3d Cir. 2009) (citation omitted); see also *Standard Chlorine of Del., Inc. v. Sinibaldi*, 821 F. Supp. 232, 240-41 (D. Del. 1992) (noting that the filing of an amended complaint "rendered moot Defendants' motion to dismiss the original Complaint").

Respectfully submitted,

s/ William J. O'Shaughnessy

William J. O'Shaughnessy

cc: Hon. Madeline Cox Arleo, U.S.M.J.  
Counsel of Record

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